

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MASS ENGINEERED DESIGN, INC.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 6:14-cv-00411-LED
v.	§	
	§	LEAD CASE
SPACECO BUSINESS SOLUTIONS, INC.,	§	
	§	
Defendant.	§	
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v.	§	
	§	Civil Action No. 6:14-cv-00414-LED
PLANAR SYSTEMS, INC.,	§	
	§	
Defendant.	§	
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**UNOPPOSED MOTION FOR LEAVE TO FILE
AMENDED OPENING CLAIM CONSTRUCTION BRIEF**

Plaintiff, Mass Engineered Design, Inc. (“MASS”), files this unopposed motion for leave to file an amended opening claim construction brief as follows:

- (1) Pursuant to the Court’s Docket Control Order (Dkt. No. 33), MASS filed its opening claim construction brief on March 1, 2015. Mass’s opening brief addressed twenty-four disputed claim terms.
- (2) Thereafter, on March 3, 2015, the Court issued an Order requiring the parties to further meet and confer to reduce the number of terms in dispute and to re-file their P.R. 4-3 Joint Claim Construction and Pre-Hearing Statement (Dkt. No. 67).
- (3) On March 5, 2015, the parties met and conferred in accordance with the Court’s order, wherein Defendants agreed to two (2) of MASS’s proposed constructions and further agreed that an additional nine (9) claims did not require construction by the Court.

- (4) In total, MASS devoted ten (10) pages (*i.e.*, one-third) of its briefing to the terms that Defendants now agree to and/or no longer dispute at the expense of more fully developing arguments with regard to the terms that remain in dispute, including providing additional information that will be beneficial to the Court in understanding the parties remaining disputes.
- (5) Therefore, MASS now seeks leave to file an Amended Opening Claim Construction Brief (which is attached hereto as Ex. A) to (a) remove arguments related to terms that are no longer in dispute and (b) to allow MASS to provide additional information relevant to the remaining disputed terms.
- (6) In consideration of MASS's Amended Opening Claim Construction Brief, the parties further propose moving the deadlines for responsive and reply briefing as follows:

	Current Deadline	Proposed New Deadline
Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)	03/15/2015	03/24/2015
Comply with P.R. 4-5(c) (Reply Claim Construction Brief)	03/22/2015	03/31/2015

- (7) Other than the deadlines set forth in Par. 6 above, no other dates will be affected by this motion.

- (8) The Parties have met and conferred and Defendants do not oppose this motion.

For good cause shown, including for the reasons set forth above, MASS respectfully requests that the Court grant MASS's Unopposed Motion for Leave to File Amended Opening Claim Construction Brief and to modify the dates as set forth above.

Date: March 10, 2015

/s/ Stephen F. Schlather

Stephen F. Schlather – Lead Counsel

Texas Bar No. 24007993

John J. Edmonds

Texas Bar No. 789758

Shea Palavan

Texas Bar No. 24083616

COLLINS, EDMONDS, POGORZELSKI,

SCHLATHER & TOWER, PLLC

1616 South Voss Road, Suite 125

Houston, Texas 77057

Telephone: (281) 501-3425

Facsimile: (832) 415-2535

sschlather@cepiplaw.com

jedmonds@cepiplaw.com

spalavan@cepiplaw.com

Andrew Spangler

Texas Bar No. 24041960

Spangler Law P.C.

208 N. Green St., Ste. 300

Longview, Texas 75601

Phone: (903) 753-9300

Fax: (903) 553-0403

ATTORNEYS FOR PLAINTIFF

MASS ENGINEERED DESIGN, INC.

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for Defendants via email and this motion is agreed.

March 10, 2015

/s/ Stephen F. Schlather
Stephen F. Schlather

CERTIFICATE OF SERVICE

I hereby certify that all known counsel of record are deemed to have consented to electronic service, and are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

March 10, 2015

/s/ Stephen F. Schlather
Stephen F. Schlather